

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NATANAEL RIVERA,

Plaintiff,

v.

CORRECTIONAL OFFICERS GEOGE J. JIMENEZ,
TOMES COMPBALL, COMEING, NUMEKE,
ROUSE, TINGLY, PETER ERICKSEN,
MICHAEL BAENEN, SARA COOPER and
JOHN DOE 1-12,

Defendants.

ORDER

12-cv-476-bbc

In an order dated July 5, 2012, this court severed plaintiff Natanael Rivera's "verified amended complaint" filed in case *Rivera v. Jimenez*, 12-cv-240-bbc, into this case, 12-cv-476-bbc. The court also directed plaintiff to submit in an initial partial payment of \$6.01 for severed case 12-cv-476. Now plaintiff has submitted a letter stating that he needs an order so he can pay the \$6.01 initial partial filing fee in this case. He includes a memorandum from the Green Bay Correctional Institution business office, dated July 17, 2012, which states that plaintiff must have an order from the court before it will disperse the \$6.01 initial partial payment for case 12-cv-476 from plaintiff's release account. Accordingly, the Green Bay Correctional Institution business office is advised that if plaintiff does not have the money in his regular account to make the initial partial payment, they may take some or all of the assessment from his release account. This does not mean that plaintiff is free to ask prison authorities to pay *all* of his filing fee from his release account. The only amount plaintiff must pay at this time is the \$6.01 initial partial payment. Before prison officials take any portion of that amount from plaintiff's release account, they may first take from plaintiff's regular account whatever amount up to the full amount plaintiff owes. Plaintiff should show a copy of this order to prison officials to insure

that they are aware that they should send plaintiff's initial partial payment to this court. Once the court receives plaintiff's initial partial filing fee, his complaint will be taken under advisement for screening pursuant to 28 U.S.C. 1915(e)2. Plaintiff is advised that he must pay the remainder of the fee in monthly installments even if his request for leave to proceed is denied.

ORDER

IT IS ORDERED that plaintiff Natanael Rivera's \$6.01 initial partial payment of the \$350 fee for filing this case may be taken from his release account funds after taking first whatever amount is in his regular account. He is to submit a check or money order made payable to the clerk of court in the amount of \$6.01 on or before August 17, 2012. If, by August 17, 2012, plaintiff fails to make the initial partial payment or show cause for his failure to do so, he will be held to have withdrawn this action voluntarily. In that event, the clerk of court is directed to close this file without prejudice to plaintiff's filing his case at a later date.

Entered this 27th day of July, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge